

On September 29, 2015, Newsome moved for a sentence reduction under 18 U.S.C. § 3582(c)(2), U.S.S.G. § 1B1.10, and Amendment 782, and filed a memorandum in support. See [D.E. 51, 52]. Newsome's new advisory guideline range is 46 to 57 months' imprisonment, based on a total offense level of 21 and a criminal history category of III. See Resentencing Report.

Newsome requests a 41-month sentence. See id.; [D.E. 52] 1, 4, 8. On October 28, 2015, the government responded. See [D.E. 54].

The court has discretion to reduce Newsome's sentence under Amendment 782. See, e.g., Dillon v. United States, 560 U.S. 817, 827 (2010); United States v. Peters, 843 F.3d 572, 574 (4th Cir. 2016); United States v. Patterson, 671 F. App'x 105, 105–06 (4th Cir. 2016) (per curiam) (unpublished); United States v. Cole, 618 F. App'x 178, 178–79 (4th Cir. 2015) (per curiam) (unpublished); United States v. Thomas, 546 F. App'x 225, 225–26 (4th Cir. 2013) (per curiam) (unpublished); United States v. Perez, 536 F. App'x 321, 321 (4th Cir. 2013) (per curiam) (unpublished); United States v. Smalls, 720 F.3d 193, 195–97 (4th Cir. 2013); United States v. Mann, 709 F.3d 301, 306–07 (4th Cir. 2013); United States v. Stewart, 595 F.3d 197, 200 (4th Cir. 2010). In deciding whether to reduce Newsome's sentence, the court finds that Newsome engaged in serious criminal behavior while on supervised release for a federal conviction of conspiracy to possess with the intent to distribute more than 500 grams of cocaine. See PSR [D.E. 43] ¶¶ 5–8. Moreover, Newsome has convictions for possession of cocaine, possession of drug paraphernalia, and conspiracy to possess with the intent to distribute more than 500 grams of cocaine. See id. ¶¶ 13–16. Newsome also has performed poorly on supervision and has a spotty work history. See id. ¶¶ 16, 31–36. Nonetheless, Newsome has taken some positive steps while incarcerated on his federal sentence. See Resentencing Report; cf. Pepper v. United States, 562 U.S. 476, 491 (2011).

Having reviewed the entire record and all relevant policy statements, the court finds that Newsome received the sentence that was “sufficient, but not greater than necessary” under 18 U.S.C. § 3553(a). Further reducing Newsome's sentence would threaten public safety in light of his serious criminal conduct and serious criminal history. Cf. U.S.S.G. § 1B1.10, cmt. n.1(B)(ii). Thus, the court denies Newsome's motion for reduction of sentence under Amendment 782. See, e.g.,

Patterson, 671 F. App'x at 105–06; Cole, 618 F. App'x at 178–79; Thomas, 546 F. App'x at 225–26; Perez, 536 F. App'x at 321.

In sum, the court DENIES Newsome's motion for reduction of sentence [D.E. 51], and GRANTS Newsome's motion to seal [D.E. 53].

SO ORDERED. This 7 day of May 2018.



JAMES C. DEVER III
Chief United States District Judge